

Inspection # 06041346901

David Faircloth II
Bland Farms NY Inc.
11388 Schuler Road
Cato, NY 13033

Narrative

On June 4, 2013 I conducted an Ag Use Observation (AUO*), Certified Applicator Records (CAR) inspection, and a Worker Protection Standard (WPS) inspection with David Faircloth, the manager of Bland Farms NY Inc..

I met with Mr. Faircloth and the Bland Farms NY Inc. attorney, Phillip Bender at the farm office located at 11388 Schuler Road, Cato, NY. I explained to both men that I was conducting this inspection in response to information Mr. Faircloth had provided during our previous meeting on May 20, 2013. Mr. Faircloth and I had met during a recent investigation by Environmental Conservation Officers with regard to alleged burial of pesticides on Bland Farm. During our conversation at that meeting Mr. Faircloth told me that there was no certified applicator on the farm and that no employees were trained as pesticide handlers as required by the WPS. Mr. Faircloth also informed me at that time that the farm had employed Scott Lee (Certification # C7807202) as their certified applicator during 2012. I asked if Mr. Lee was available that day and he said that Mr. Lee was on administrative leave and not available.

On June 4, 2013, I proceeded with the inspection and Mr. Faircloth informed me that Bland farms had hired a certified applicator, Ronald Merritt (Certification # P7717365) on May 22, 2013, two days after our initial meeting. Mr. Faircloth also informed me that they had the Oswego County Cornell Cooperative Extension agent, Jonathan Schell, train the staff as pesticide handlers to meet the requirements of WPS on May 23, 2013. At the time of this meeting Bland Farms had employed a certified applicator and trained employees as pesticide handlers and were able to make pesticide applications. I explained however, that the pesticide applications prior to May 23 made by individuals not trained as handlers would be violations. I also inquired as to the status of Scott Lee and his certification. Mr. Faircloth provided me a copy of his certification identification card and I noted that Mr. Lee was certified as a commercial applicator. I also explained that Mr. Lee was in violation of the PRL (Pesticide Reporting Law) as he failed to file annual reports in the previous years. I asked at this time if Mr. Lee had trained anyone as an apprentice. Mr. Faircloth explained to me that he was not aware of any apprentice training and that there was no documentation stating that any applicators were trained as such. Mr. Faircloth also told me he was recently transferred to the NY farm to manage it as Mr. Lee was on administrative leave. I asked if Mr. Lee was the only applicator on the farm prior to his administrative leave and both Mr. Faircloth and Mr. Bender stated that he was. I explained to both men that because Mr. Lee was responsible for the pesticide applications and he was a commercial certified applicator and anyone working under his direct supervision was considered an apprentice and would have to be trained as required by 6NYCRR Part 325.10. Both men agreed and understood this requirement. I also explained that every pesticide application during the time that Scott Lee was the certified applicator would have to be reported in annual report and maintained as a commercial pesticide application record.

I asked Mr. Faircloth for the pesticide application records for farm and he provided three years worth of records. I documented a pesticide application that occurred on April 30, 2013 with Framework (EPA# 1381-216), Outlook Herbicide (EPA# 7969-156), and Goal 2 XL (EPA# 62719-424). This application was applied to 46 acres of Onions to control Broadleaf Weeds and Grasses. The application was made at a rate of 25 fluid ounces per acre, 10 fluid ounces per acre, and 0.25 fluid ounces per acre, respectively. The label of the pesticide Goal 2 XL has a requirement for coveralls to be worn as personal protective equipment (PPE) and the applicator did not wear them. From my observations of the pesticide labels, this application was in compliance with the label requirements with the noted exception of failing to wear the required PPE. It should be noted that this pesticide application was made by David Mettler. Mr. Mettler is an employee that conducted several applications in 2012 and 2013. Mr. Mettler was not trained as an apprentice or a pesticide handler. Mr. Lee was not on site and a federally restricted use pesticide was applied. I reviewed the training and supervision requirements with Mr. Faircloth and he agreed and understood those requirements. I also noted that the application records were deficient with regard to the address, method of application, and target organism. I explained that the record keeping requirements are different for commercial applicators, as Mr. Lee is, than they are for private applicators. I reviewed the record keeping requirements for both the private applicators and commercial applicators and Mr. Faircloth understood the requirements. From my observations of their records of applications, the previous years of 2010 and 2011 were in compliance with the private record keeping requirements and Bland Farms did employ a certified private applicator during those years.

I next asked Mr. Faircloth about the application equipment and the labeling of alternate containers. Mr. Faircloth indicated that they did not label the alternate containers or application equipment. I explained the requirements for labeling of alternate containers and Mr. Faircloth agreed and understood these requirements.

I then conducted the WPS inspection and from my observations, the facility trained the employees as handlers on May 23, 2013. Prior to that date the only training for employees was for compliance as workers, not handlers. There were two employees applying pesticides in the past year, David Mettler and William Collins. Neither men were trained as handlers or apprentices.

I then observed the storage area and their recycling area. We discussed the recycling of pesticide containers and rinsate water as well as checking on product registration.

From my remaining observations the facility appeared to be in compliance, with the exception of the noted violations.



Donald J. Nelson
Pesticide Control Specialist II
NYS DEC/Region 7/Cortland



INSPECTION REPORT COVER SHEET

Inspection #: <u>06041346901</u>	Name of Person Contacted: <u>DAVID FAIRCLOTH II</u>
Name of Business: <u>BLAND FARMS NY LLC</u>	Official Position: <u>FARM MANAGER</u>
Street Address: <u>11388 SCHULER ROAD</u>	Post Office Address:
City/State/Zip Code: <u>CATO, NY 13033</u>	City/Village/Township:
Telephone Number: <u>(315) 626-6671</u>	County: <u>CAYUGA</u>

Inspector's Initials	Name of Inspection Form	Form Number
<u>DF</u>	Notice of Inspection	NOI
<u>DF</u>	Pesticide Applicator/Business/Use Inspections	USE
<u>DF</u>	Worker Protection Standard Inspection	WPS
<u>—</u>	Worker Protection Standard Inspection Of Family Establishment	FEI
<u>—</u>	Liquid Termiticide Use Checklist	TER
<u>—</u>	Ornamental and Turf Checklist	T&O
<u>—</u>	Voluntary Statement	VOL
<u>—</u>	Receipt for Samples	SAM
<u>—</u>	Market Place/Restricted Dealers Records Inspection	MKT
<u>—</u>	Market Place/Restricted Dealer Records Inspection Continuation Sheet	MPC
<u>—</u>	Quarantine Order	QRN
<u>—</u>	Quarantine Order Release	QOR
<u>—</u>	Recertification/Certification Course Monitoring	RCM
<u>—</u>	Experimental Use Permit Checklist	EUP
<u>—</u>	Authorization for Medical Record Disclosure	MED

Inspector's Signature: David Faircloth Number: 469 Date: 06/04/13

Inspection Acknowledgment: I acknowledge receiving a copy of the above listed inspection documents initialed by the inspector.

Signature: David Faircloth # Date: 6/4/13
 Print Name: David Faircloth



☒ NOTICE OF INSPECTION

☒ USE/MISUSE INSPECTION

INSPECTION # 06041346901	DATE 06/04/13	TIME 10:00 AM <input checked="" type="checkbox"/> PM <input type="checkbox"/>	REGION 7
NAME OF INDIVIDUAL DAVID FAIRCLOTH II		TITLE FARM MANAGER	
NAME OF FIRM (Note if corporation, partnership, dba, etc) BLAND FARMS NY LLC			
ADDRESS This is the address of the: <input checked="" type="checkbox"/> INSPECTION SITE <input type="checkbox"/> FIRM <input type="checkbox"/> INDIVIDUAL 11388 SCHULER ROAD			
CITY / VILLAGE CATO		STATE NY	ZIP 13033
TOWNSHIP CATO VICTORY	COUNTY CAYUGA	PHONE (315) 626 6671	
<p>REASON FOR INSPECTION</p> <p><input type="checkbox"/> For the purpose of inspecting and obtaining samples of any pesticides or devices packaged, labeled and released for shipment, samples of any containers or labeling for such pesticides or devices in places where pesticides or devices are produced, or held for distribution or sale.</p> <p><input checked="" type="checkbox"/> For the purpose of inspecting and obtaining samples of mandated records.</p> <p><input type="checkbox"/> For the purpose of inspecting the use of pesticides and sampling pesticides in use to determine if they are being used in compliance with appropriate laws and rules and regulations.</p> <p><input checked="" type="checkbox"/> For the purpose of inspecting sites where pesticides are being used to collect data on the use of pesticides and to determine whether pesticides are being used in compliance with appropriate laws and rules and regulations.</p> <p><input type="checkbox"/> Other</p>			
<p>VIOLATION SUSPECTED</p> <p>UNCERTIFIED AND UNTRAINED PESTICIDE APPLICATORS</p>			
CONSENT USE/MISUSE			
Voluntary Consent Necessary to Enter for Inspection and/or Sampling.			
<p><input checked="" type="checkbox"/> The undersigned hereby voluntarily consents to an inspection of 11388 SCHULER ROAD of which I am the owner, Agent, or Person-in-Charge, for the purposes of gathering information and/or samples in connection with the administration and enforcement of Article 33 and Section 15-0313 of the Environmental Conservation law relating to pesticides. I understand that I have the right to refuse consent to this entry.</p>			
SIGNATURE David Faircloth II	TITLE Farm manager	DATE 6/4/13	
This inspection is being performed under authority granted by Article 33 and Section 15-0313 of Article 15 of the Environmental Conservation law relating to pesticides and the Federal Insecticide, Fungicide and Rodenticide Act as amended (7 U.S.C. 136 et seq.).			
INSPECTOR INFORMATION			
NAME DONALD J. NELSON	TITLE PCS 2	ID NUMBER 469	PHONE NUMBER (607) 753-3095 x232
SIGNATURE Donald J. Nelson	OFFICE LOCATION CORTLAND	ACCOMPANIED BY _____	



PESTICIDE APPLICATOR/BUSINESS/USE INSPECTIONS

INSPECTION NUMBER 060413 46901		FIRM/FACILITY/PERSON INTERVIEWED BLAND FARMS NY LLC / DAVID FAIRCLOTH		EQUIPMENT TYPE/SIZE 1 @ 440 gal Boom	
TYPE OF INSPECTION: <input type="checkbox"/> Business/Agency <input checked="" type="checkbox"/> Applicator <input type="checkbox"/> Non-agricultural use <input checked="" type="checkbox"/> Agricultural use		SITE OF INSPECTION 11388 SCHULER ROAD, CATO, NY 13033			
BUSINESS REG. NO./EXPIRATION DATE _____		INSURANCE COMPANY/EXPIRATION DATE _____			
APPLICATOR NAME/CERTIFICATION TYPE		CERTIFICATION ID		CATEGORY/EXPIRATION	
SCOTT LEE / COMMERCIAL		C7807202		1A / 11/21/13	
RONALD MERRITT / PRIVATE		P7717365		23 / 02/21/17	
DAVID METTLER / APPRENTICE		—		—	
WILLIAM COLLINS / APPRENTICE		—		—	
DATE/TIME/WEATHER CONDITIONS DURING APPLICATION 4/30/13		CROP ONIONS		SITE/SIZE 3 FIELDS 1-17.4 2-17.0 46 ACRES 3-7.7 42.1	
PESTICIDE NAME/EPA REG NO.		METHOD OF APPLICATION		TARGET PESTS BROADLEAF / WEEDS / GRASSES	
FRAMEWORK / 1381-216		Boom		General	
ATLACK HERBICIDE / 7969-156		Boom		Restricted	
GOAL 2XL / 62719-424		Boom		General	
FORMULA		FORMULA		FORMULA	
LIRUID		LIRUID		LIRUID	
LIQUID		LIQUID		LIQUID	
LIQUID		LIQUID		LIQUID	
LABEL RATE		OBSERVED RATE		OBSERVED RATE	
4.8 PT / AC		25.02 / AC		25.02 / AC	
76.802 / AC		10.02 / AC		10.02 / AC	
2-4 fl oz / AC		0.25 / AC		0.25 / AC	
LABEL/EQUIPMENT REQUIREMENTS		REFERENCE SECTION		Yes No NA	
Label Rate Followed		325.2(b)		<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Target Pests on Label		325.2(b)		<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
PPE/Cautionary Labeling Followed		325.2(b)		<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	
Preharvest Interval/REI per Label		325.2(b)		<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Crop/Area Treated per Label		325.2(b)		<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Pesticide Containers Properly Labeled		33.1301(1)(b)		<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Service Containers Properly Labeled		33.1301(1)(b)		<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	
Containers Properly Rinsed and Disposed		325.4(a)		<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Backflow Prevention/Air Gap Present		325.2(c)		<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Proper Stickers on Equipment/Vehicles		325.26		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	
Equipment Properly Calibrated				<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Storage Locked/Containers Secure				<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Warning Signs Posted				<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Location of Container Disposal: RECYCLED				<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Location of Pesticide Storage: @ MAIN FARM / OFFICE (BULK 1)				<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	
Water Source: WELL / MUNICIPAL / NURSE TRUCK				<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	
Pesticide Mixing Area: ON SITE				<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
APPLICATOR REQUIREMENTS		REFERENCE SECTION		Yes No NA	
Apprentices Properly Supervised		325.7(d)		<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	
Apprentices Trained/Documented		325.10(a)		<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	
Apprentice Variance Approved		325.10(b)		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	
I. D. Card in Possession During Use		325.7(a)		<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Label in Possession During Use		325.2(d)		<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Notification Requirements Met		33-0905(5)		<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	
REPORTS/RECORDS		33-1205(1)		Yes No NA	
EPA Reg. No.				<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Product Name				<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Quantity				<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Date Applied				<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Address				<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	
Place of Application				<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Dosage Rate				<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
Method of Application				<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	
Target Organism/Crop Treated				<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	
Records Kept 3 Years				<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
REMARKS: SCOTT LEE IS AN EMPLOYEE ON ADMINISTRATIVE LEAVE - NOTED BY PHILLIP M. BENDER ATTORNEY FOR BLAND FARMS. / SCOTT LEE IN VIOLATION OF PRL					
* GOAL - REQUIRED COVERALLS - NOT WORN					
RONALD MERRITT - HIRED ON 5/22 HAS NOT MADE APPLICATIONS - CHECKING ON W4/1099?					
CK ON LABELS BEING REMOVED FROM CONTAINERS TO BE RECYCLED.					
INSPECTOR'S SIGNATURE		DATE AND TIME INSPECTED			
Donald J. ITC		06/04/13 10:00 AM			

URPCEP CHECKLIST To be used with NAUO, CAR, and RDR inspections

Inspect Type	Question/Action	Y	N	N A	Remarks
ALL*	1. Opening conference.	<input checked="" type="checkbox"/>			
	2. Inspection of pesticide storage area:	<input checked="" type="checkbox"/>			
	a Any pesticides on hand that seem inappropriate for establishment or site?		<input checked="" type="checkbox"/>		
	b Are there supplies of clean household containers that could be filled with pesticides and left with customer/tenants?		<input checked="" type="checkbox"/>		
	c Any pesticides in unlabeled packaging or "household" packaging?		<input checked="" type="checkbox"/>		
	d Are restricted use pesticides in storage?	<input checked="" type="checkbox"/>			
	e Are there security measures in place to prevent unauthorized entrance and use of pesticides?	<input checked="" type="checkbox"/>			
f Have any pesticides been stolen/ pilfered from inventory - particularly RU or agricultural ones?		<input checked="" type="checkbox"/>			
CAR	1. All CAR inspections- conduct review of Applicator records.	<input checked="" type="checkbox"/>			
	a Structural Related: Any structural applications of seemingly inappropriate pesticides?			<input checked="" type="checkbox"/>	
	b Agricultural Related: Has methyl parathion been used in the last year?	<input checked="" type="checkbox"/>			
	Any discrepancies between amount of RU pesticides purchased and applied, or undocumented returns?	<input checked="" type="checkbox"/>			
RDR	1. Is this establishment engaged in the retail sale of methyl parathion?			<input checked="" type="checkbox"/>	
	2. Do purchasers produce a commodity on which the pesticide is used?				
	a Have all sales of RUPs been made to either:				
	A person who is certified to use it ?				
	An individual under the direct supervision of a currently certified applicator authorized to use the product?				
	3. Have there been sales of methyl parathion EC in the past two years?				
	a What methyl parathion products in particular does the dealer sell? _____				
	b What crops are the products used on? _____				
	4. If this is not a methyl parathion emulsifiable concentrate dealer, have any of the other ag pesticides referenced in attachment "5A" of URPCEP Protocol been sold for the past few years?				
	a If not, have any other agricultural pesticides, particularly RU ones, been sold?				
	5. Does the dealer conduct audits of its pesticide inventory? How often? _____				
	6. Has there ever been an unexplained discrepancy between the amount of methyl parathion or other ag use pesticide in inventory and amount that inventory records indicate should be there?				
	a What was the pesticide?				
b Was the discrepancy resolved as 1) bookkeeping error? or 2) was theft suspected?					
7. Has methyl parathion or any RU agricultural pesticide been stolen from inventory? If yes, document particulars (i.e. person's name, the intended use of pesticide) and ask for a copy of any police report, report to the insurance company or other information relating to the theft.					
ALL*	3. Closing conference.	<input checked="" type="checkbox"/>			

* When only conducting an NAUO inspection, these blocks of questions/actions are the only ones that need to be covered.



WORKER PROTECTION STANDARD INSPECTION

Inspection # <u>06041346901</u>	Date: <u>06/04/13</u>	Inspection: <input type="checkbox"/> Unannounced <input checked="" type="checkbox"/> Appointment
Firm/Farm Name <u>BLAND FARMS NY LLC</u>	Inspection Type: Tier I <input checked="" type="checkbox"/> or Tier II <input type="checkbox"/>	
Type of Establishment: (check all applicable): <input checked="" type="checkbox"/> Farm <input type="checkbox"/> Greenhouse <input type="checkbox"/> Nursery <input type="checkbox"/> Family establishment <input type="checkbox"/> Research <input type="checkbox"/> Forest		
Approx. total area of establishment: <u>270</u>	Principal crops: <u>ONIONS</u>	
# of certified applicators with establishment: <u>2</u>	Name of person(s) directing/controlling pesticide use: <u>DAVID FAIRCLOTH</u>	
Who applies pesticides? (check all applicable): <input type="checkbox"/> Owner <input checked="" type="checkbox"/> Employee <input type="checkbox"/> Custom Applicator		
Note: For data in this block, estimates provided by the establishment are sufficient.		
# present at this inspection:	workers <u>96</u>	handlers <u>9</u>
# of permanent employees:	workers <u>—</u>	handlers <u>2</u>
1. # present during last pesticide application:	workers <u>—</u>	handlers <u>9</u>
2. or for the last 30 days: (circle one)	workers <u>—</u>	handlers <u>7</u>

INFORMATION AT A CENTRAL LOCATION

40 CFR 170.122/135

How to Comply Manual

		Page #
<u>NA</u> <input checked="" type="checkbox"/> <u>Y</u> <input type="checkbox"/> <u>N</u>	Is the approved SAFETY POSTER displayed?	23
<u>NA</u> <input checked="" type="checkbox"/> <u>Y</u> <input type="checkbox"/> <u>N</u>	Is EMERGENCY MEDICAL INFORMATION displayed? (name, address & telephone number)	24
<u>NA</u> <input checked="" type="checkbox"/> <u>Y</u> <input type="checkbox"/> <u>N</u>	Is the site LOCATED where it can be readily seen and read by workers & handlers?	24
<u>NA</u> <input checked="" type="checkbox"/> <u>Y</u> <input type="checkbox"/> <u>N</u>	Are workers & handlers INFORMED of the location and are they allowed ACCESS to the site?	24
<u>NA</u> <input checked="" type="checkbox"/> <u>Y</u> <input type="checkbox"/> <u>N</u>	Does the information remain LEGIBLE while posted?	24
<u>NA</u> <input checked="" type="checkbox"/> <u>Y</u> <input type="checkbox"/> <u>N</u>	Is the following APPLICATION INFORMATION displayed? -Location and Description of the treated area; - Product Name; -EPA REG #; - Active Ingredient(s) of the pesticide; -Time & Date of application; - REI (restricted entry interval)	23

Comments (explain NA): _____

PESTICIDE EXPOSURE INCIDENTS/EMERGENCY ASSISTANCE

40 CFR 170.160

How are incidents reported for employees who become sick/injured by pesticides? CALL 911 / TELL DAVID

<u>NA</u> <input checked="" type="checkbox"/> <u>Y</u> <input type="checkbox"/> <u>N</u>	Is prompt transportation to emergency medical facility available for employees who become sick/injured by pesticides?	36
<u>NA</u> <input checked="" type="checkbox"/> <u>Y</u> <input type="checkbox"/> <u>N</u>	Is information provided to medical personnel regarding the pesticide to which employees may have been exposed?	36

Who is the person responsible for providing transportation and pesticide information? DAVID

Y ☒ N Have there been any pesticide exposure incidents on this farm? If yes, give details: _____

Comments (explain NA): _____

EMPLOYER/CUSTOM APPLICATOR INFORMATION EXCHANGE ☒ NA (no custom applications) 40 CFR 170.124 & 170.224

<u>NA</u> <input type="checkbox"/> <u>Y</u> <input type="checkbox"/> <u>N</u>	Does the ag establishment notify the custom applicator regarding the location of treated areas and REIs?	34
<u>NA</u> <input type="checkbox"/> <u>Y</u> <input type="checkbox"/> <u>N</u>	Does custom applicator notify the ag establishment of required application information before the application?	33

How is the information exchanged? When/with whom? _____

WORKERS: (Applies to workers who are NOT certified applicators or trained handlers)

- NA XY N Does Ag Employer ASSURE that workers have been trained within the last five years? 25
- NA XY N Does Ag Employer ASSURE that workers have been trained *before EARLY ENTRY* activities during an REI? 25
- NA XY N Is the Ag Employer able to VERIFY that the required PESTICIDE SAFETY INFORMATION was provided to workers *before entry into any area on an ag establishment where WPS pesticides have been applied within the last 30 days?* 26
- NA XY N Does Ag Employer ASSURE that workers have received the required ADDITIONAL TRAINING *before the sixth day of entry into any area on an ag establishment where WPS pesticides have been applied within the last 30 days?* 26

HANDLERS: (Applies to handlers who are NOT certified applicators or certified crop advisers) 40 CFR 170.230

- NA XY N Does Ag Employer ASSURE that handlers have been trained within the last five years? 25/26
- NA XY N Does Ag Employer ASSURE that handlers have been trained *before performing any handling task?* 25/26

How is training verified for both workers and handlers? ROSTERComments (explain NA): APPLICATIONS OCCURRED PRIOR TO TRAINING / TRAINED NOW**PESTICIDE SAFETY TRAINING PROGRAM** NA (if workers trained elsewhere) 40 CFR 170.130/230

- NA XY N **WORKERS & HANDLERS:** Is the information presented in a manner that the workers & handlers can understand (such as through a translator & using nontechnical terms & presenter answers questions)? 27
- NA XY N **WORKERS:** Does the PESTICIDE SAFETY INFORMATION meet the criteria listed in 170.130(c)? 26
- NA XY N **WORKERS:** Does the content of the ADDITIONAL TRAINING materials meet the criteria listed in 170.130(d)(4)? 103
- NA XY N Is trainer qualified to train WORKERS? (certified applicator or authorized by DEC) 26
- NA XY N **HANDLERS:** Does the content of the training materials meet the criteria listed in 170.230(c)(4)? 104
- NA XY N Is the trainer qualified to train HANDLERS? (certified applicator or authorized by DEC) 26

Who trains workers/handlers? CORNELL COOPERATIVE EXTENSION When/how often? 5/23/13Comments (explain NA): APPLICATION OCCURRED FROM 4/30 - 5/21 WITH NO TRAINING**DECONTAMINATION SITES**The employer must adhere to the following decontamination requirements for **WORKERS and HANDLERS:** 40 CFR 170.112/150/250

- NA XY N Do decontamination sites have soap, single-use towels, and enough water for washing & emergency eye flushing? 29-31
- NA XY N Is the decontamination water of a quality & temperature as required? 29
- NA XY N Is one pint of eye flush water immediately available to handlers using pesticides requiring protective eye wear and to early entry workers when working in areas treated with pesticides requiring protective eye wear for early entry? 31/68
- NA XY N Is the decontamination site within 1/4 mile of the work site and out of areas being treated or under REI? 30/31
- NA XY N Are decontamination sites provided for workers entering treated areas until 30 days following expiration of the REI? 29
(Exception: Pesticides with a four-hour REI require decontamination site for only seven days.)
- NA Y N Are decontamination sites provided for early entry workers during and after early entry? 67/68

The employer must adhere to the following decontamination requirements for **HANDLERS:** 40 CFR 170.250

- NA XY N Is enough water provided to handlers for washing the entire body in case of an emergency? 30
- NA Y N Is one clean change of clothing provided to handlers for use in an emergency? 30
- NA XY N Are decontamination supplies located at the mix/load site? 30/31
- NA Y N Are decontamination supplies for PILOTS kept in the airplane or at the aircraft loading site? 30
- NA XY N Are handler decontamination supplies kept out of treated areas unless they are in enclosed containers? 31
- NA XY N Are decontamination supplies located where handlers remove PPE for washing thoroughly after handling activities? 31

Comments (explain NA): NO EARLY ENTRY / NO PILOTS

ADDITIONAL DUTIES FOR WORKER EMPLOYERS

40 CFR 170.110

How to Comply Manual
Page #**RESTRICTIONS DURING APPLICATIONS**

<u>NA</u> <u>X</u> Y <u>N</u>	Are <u>workers</u> prohibited in treated areas during application and until REIs have expired?	45
<u>X</u> NA <u>Y</u> <u>N</u>	Are <u>workers</u> prohibited in treated areas plus the additional buffer area during application in NURSERIES?	51/52
<u>X</u> NA <u>Y</u> <u>N</u>	Are <u>workers</u> prohibited in a GREENHOUSE during application and until ventilation criteria are met?	53-55

NOTICE OF APPLICATIONS TO WORKERS

40 CFR 170.120

<u>X</u> NA <u>Y</u> <u>N</u>	Are all GREENHOUSE applications posted with WPS warning signs?	42
<u>NA</u> <u>X</u> Y <u>N</u>	Are <u>workers</u> given BOTH oral and posted notification when required by the pesticide label?	41-44
<u>NA</u> <u>X</u> Y <u>N</u>	Are <u>workers</u> given notification of applications (EITHER orally or posted) for other applications?	41-44
<u>NA</u> <u>X</u> Y <u>N</u>	Are <u>workers</u> told which method will be routinely used at this firm (oral or posted notification)? - circle one	41

Who notifies workers? DAVID

<u>NA</u> <u>Y</u> <u>X</u>	Have any early entry activities occurred?
<u>NA</u> <u>X</u> Y <u>N</u>	Were workers informed of label restrictions re: early entry?

Posted Warning Signs NA for all

<u>NA</u> <u>X</u> Y <u>N</u>	Does the employer use the approved WPS warning signs for posted notification?	42/43
<u>NA</u> <u>X</u> Y <u>N</u>	Are the signs posted at all entrances of worker entry to the treated area?	42
<u>NA</u> <u>X</u> Y <u>N</u>	Are the signs put up no sooner than 24 hours prior to application?	43
<u>NA</u> <u>X</u> Y <u>N</u>	Are the signs removed within three days after the end of the REI?	43
<u>NA</u> <u>X</u> Y <u>N</u>	Are the signs posted along the border of any labor camp adjacent to the treated area?	42

Oral Warnings NA for all

<u>NA</u> <u>X</u> Y <u>N</u>	Are oral warnings given in a language (s) understood by workers?	44
<u>NA</u> <u>X</u> Y <u>N</u>	Do oral warnings include: 1) location & description of treated area; 2) REI; 3) instructions not to enter during the REI?	44

Comments (explain NA):

ADDITIONAL DUTIES FOR HANDLER EMPLOYERS**APPLICATION RESTRICTIONS & MONITORING**NA if no handlers employed

40 CFR 170.210

<u>NA</u> <u>X</u> Y <u>N</u>	*Do both the employer & the handler assure that no pesticide is applied (either directly or through drift) so as to contact anyone other than trained and PPE-equipped handlers: How is this verified?	73
<u>NA</u> <u>X</u> Y <u>N</u>	Are <u>handlers</u> monitored visually or by voice every two hours when handling SKULL & CROSSBONES pesticides?	73
<u>X</u> NA <u>Y</u> <u>N</u>	Does the <u>handler</u> have a continuous visual or voice contact with another trained and PPE-equipped handler when handling a FUMIGANT in a GREENHOUSE?	73/74

SPECIFIC INSTRUCTIONS FOR HANDLERSNA if no handlers employed

40 CFR 170.232

<u>NA</u> <u>X</u> Y <u>N</u>	Does the employer assure that handlers read the label or are informed (in a manner they can understand) about the label requirements for safe use before performing any handling activity?	75
<u>NA</u> <u>X</u> Y <u>N</u>	Does the handler have access to the product labeling during handling activities?	75

SAFE OPERATION OF EQUIPMENTNA if no handlers employed

40 CFR 170.234

<u>NA</u> <u>X</u> Y <u>N</u>	Is the handler instructed in the safe operation of handling equipment before it is used? By whom? DAVID	75
<u>NA</u> <u>X</u> Y <u>N</u>	Is handling equipment inspected and repaired before each day of use?	77
<u>NA</u> <u>X</u> Y <u>N</u>	Does the employer assure that only trained and PPE-equipped handlers repair, clean or adjust any handling equipment that contains pesticides or pesticide residues?	77

Comments (explain NA):

PERSONAL PROTECTIVE EQUIPMENT REQUIREMENTS FOR HANDLERS/EARLY ENTRY WORKERS

40 CFR 170.112/240

- | | | 40 CFR 170.112/240 |
|---|---|--------------------|
| <input checked="" type="checkbox"/> NA <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | Does the employer provide the handler/early entry workers with the appropriate PPE in clean and operating condition? | 79 |
| <input type="checkbox"/> NA <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | Does the employer assure that instruction on use and cleaning of PPE is given and that it is worn and used correctly? | 79 |
| | Who gives instructions and assures use of PPE? <u>DAVID</u> | |
| <input type="checkbox"/> NA <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | Does the employer assure that PPE is inspected, cleaned, stored properly & repaired or replaced before each day of use? | 79 |
| <input type="checkbox"/> NA <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | Does the employer assure that filters are replaced on respirators when required? | 80 |
| <input type="checkbox"/> NA <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | Do handlers/early entry workers have a clean place to store personal clothing, put on PPE and remove PPE after use? | 79 |
| | Where is it located? <u>AT OFFICE</u> | |
| <input type="checkbox"/> NA <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | Is contaminated PPE disposed of properly? | 79 |
| <input type="checkbox"/> NA <input checked="" type="checkbox"/> Y <input type="checkbox"/> N | Does the employer take appropriate measures to prevent heat-related illness for handlers/early entry workers using PPE? | 79 |
| <input type="checkbox"/> NA <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | Have handlers refused to wear proper PPE? | |

From labels of agricultural pesticides documented in an accompanying AUO inspection, list the following (for up to 4 products):

	Product Name	REI	PPE
1	FRAME WORK	24	LONG SLEEVE SHIRT / LONG PANTS / CHEMICAL RESISTANT GLOVES / SHOES / SOCKS
2	GOAL 2XL	48	" " " " " " " " " " " "
3	OUT LOOK	12	" " " " " " " " " " " "
4			

If the label for any of the above products does not include agricultural use requirements - state so above.

Comments (explain NA):

WORKER AND HANDLER INTERVIEWS

- X_Y_N Were any workers or handlers interviewed? (circle which were) If no for either, explain why an interview was not conducted.

FAMILY ESTABLISHMENTS

40 CFR 170.104/110/112/124/224/240

- | | | |
|--|--|----|
| <u>NA</u> <u>Y</u> <u>N</u> | Are employees only spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, sisters? | 91 |
| | If NO, skip this section. | |
| <u>NA</u> <u>Y</u> <u>N</u> | Are <u>non-handlers</u> prohibited in treated areas during application and until REIs have expired? | 92 |
| <u>NA</u> <u>Y</u> <u>N</u> | Are <u>non-handlers</u> prohibited in treated areas plus the additional buffer area during application in NURSERIES? | 92 |
| <u>NA</u> <u>Y</u> <u>N</u> | Are <u>non-handlers</u> prohibited in a GREENHOUSE during application and until ventilation criteria are met? | 92 |
| <u>NA</u> <u>Y</u> <u>N</u> | Are early entry <u>workers</u> prohibited in treated areas during the first four hours after application? | 93 |
| <u>NA</u> <u>Y</u> <u>N</u> | Are early entry <u>workers</u> limited to one hour of work in a 24-hour period in treated areas during the REI? | 93 |
| <u>NA</u> <u>Y</u> <u>N</u> | Are early entry <u>workers</u> who perform irrigation and limited contact activities limited to eight hours of work in a 24-hour period? | 93 |
| <u>NA</u> <u>Y</u> <u>N</u> | Is the correct PPE for early entry PROVIDED for early entry activities at this firm? | 93 |
| <u>NA</u> <u>Y</u> <u>N</u> | Does the handler at this firm wear the label-specified PPE during handling tasks? | 92 |
| <u>NA</u> <u>Y</u> <u>N</u> | Is the label-specified PPE for handling activities at this firm PROVIDED in clean and operating condition? | 92 |
| <u>NA</u> <u>Y</u> <u>N</u> | Does this establishment notify commercial handlers regarding location of treated areas and REIs on the establishment? | 92 |
| <u>NA</u> <u>Y</u> <u>N</u> | Do commercial handlers notify this establishment of required application information before application takes place? | 92 |

Comments (explain NA):

Additional Comments:

Print name of inspector <i>Donal J. Nelson</i>	Print name of person interviewed <i>David Faircloth II</i>
Signature of inspector <i>Donal J. Nelson</i>	Signature of person interviewed <i>David Faircloth II</i>

**WORKER PROTECTION STANDARD
AGRICULTURAL HANDLER INTERVIEW QUESTIONNAIRE**

Inspection # (if interview related to an inspection):	06041346901
Name of Establishment:	BLAND FARMS NY LLC
Date of Interview:	06/04/13
# of Handlers Interviewed:	1
Were handlers accompanied by employers during interview?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Interview Conducted	<input checked="" type="checkbox"/> onsite <input type="checkbox"/> offsite

Training and Notification

JOHN GARDNER

1. Did you receive pesticide safety training? ☒ Yes ☐ No

If yes, what type of training did you receive?

☒ movie ☐ flip chart (bring a picture of a flip chart) ☐ lecture ☐ handbook

2. Was the training in your native language? ☒ Yes ☐ No

3. Were you trained before you began performing handling tasks? ☐ Yes ☒ No

When did you receive the training?

4. Who trained you? JJ SCHILL (CCE - OSWEGO COUNTY)

5. When you were trained, were you taught about how to wear, use and maintain special clothes (PPE), such as gloves, boots, coveralls, mask? ☒ Yes ☐ No

6. When you were trained, were you taught about heat stress and how to recognize its symptoms in yourself? (eg. how to know when you are starting to get heat stress, how to avoid it, what to do if you feel sick from it) ☒ Yes ☐ No

7. Are you notified when and where pesticide applications are occurring? ☒ Yes ☐ No

8. (Show the safety poster) Where is the safety poster located? BREAK ROOM

9. (Show an example of application records) Has anyone ever showed you where these records are kept? ☒ Yes ☐ No If yes, where are they located? BREAK ROOM

Pesticide Applications

10. Are the labels for pesticides used at the establishment available for you to read and legible in a language you understand? ☒ Yes ☐ No

11. Are you trained in equipment use? ☐ Yes ☒ No

12. Who cleans and maintains the equipment? DAVE METTLER

Personal Protective Equipment (PPE)

13. Is PPE provided for you? ☒ Yes ☐ No

14. After you read the pesticide label, is all of the PPE required by the labels for products you use available to you? ☒ Yes ☐ No

15. Who cleans and maintains the PPE? SELF

16. Where is the room where you change into PPE? FIELD

17. Where is the PPE and your regular clothing stored? TRUCK & TOTES

18. Do you ever wear or take PPE home? ☒ Yes ☐ No

Decontamination Supplies

19. Are decontamination supplies always available to you? ☒ Yes ☐ No

20. Is there X water X paper towels X soap X eye wash X change of clothing,
available all day?

If so, where? WITH HANDLER

Is this location more than 1/4 mile from the work site? ☒ Yes ☐ No
(Inspector verify if handler does not know.)

Emergency Assistance

21. Do you know what to do if you are exposed to pesticides? ☒ Yes ☐ No
What procedures are set up for when someone's been exposed? 911 OR TELL EMPLOYER

22. Who provides transportation to the emergency room at the hospital or clinic? OFFICE

23. Who provides information on the incident to medical personnel on the incident? WHO EVER TAKES HANDLER

Retaliation

24. Have you ever been hindered from following PPE or proper pesticide application or re-entry interval procedures? ☐ Yes ☒ No

25. Have you ever spoke up about or complained about something relating to pesticides and your work at the farm and been threatened to be fired? ☐ Yes ☒ No

Please briefly tell me about this: _____

Exposure

26. Were you ever sprayed/dusted with pesticides or exposed to pesticides drifting from another person's application of pesticides? ☐ Yes ☒ No

If so, tell me approximately when and how this happened. _____

27. Do you take pesticide containers home with you? ☐ Yes ☒ No

A. If yes, what do you use them for? _____

B. Are chemicals ever in the containers? ☐ Yes ☐ No

28. Have you ever felt as though pesticides/poisons have made you sick after applying them? ☐ Yes ☒ No

29. Is there a process in place for you to report that you were exposed to pesticides? ☒ Yes ☐ No

If yes, tell me about how it works: TELL DAVE

30. Did you tell your employer or foreman about your pesticide exposure? ☐ Yes ☐ No

N/A

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

-----X

In the Matter of Violations of Article 33
of the Environmental Conservation Law (ECL)
and of Title 6 of the Official Compilation
of Codes, Rules and Regulations of the
State of New York (6NYCRR) Parts 320-329, by

ORDER ON CONSENT

CASE NO. R7-20130702-41

DAVID FAIRCLOTH / MANAGER / BLAND FARMS NY INC
(T) VICTORY
CAYUGA COUNTY, NEW YORK

Respondent(s)

-----X

1. The Department of Environmental Conservation of the State of New York (the Department) is responsible for the administration and enforcement of laws and regulations pertaining to the regulation of pesticides in the State of New York, including ECL Article 33.

2. David Faircloth (Respondent), is manager of Bland Farms NY Inc., with a business address at 11388 Schuler Road, Cato, Cayuga County, New York 13033.

3. Pursuant to the ECL and rules promulgated thereunder:

Section 33-1301 of the ECL states: Unlawful acts.

It shall be unlawful:

1. For any person to distribute, sell, offer for sale or use within this state or deliver for transportation or transport in intrastate commerce or between points

within this state through any point outside this state any of the following:

b. Except as specified in regulation authorizing alternative pesticide containers, any pesticide unless it:

(1) is in the registrant's or the manufacturer's unbroken immediate container, and there is affixed to such container, and to the outside container or wrapper of the retail package, if there be one, through which the required information on the immediate container cannot be clearly read, a label bearing:

(i) the name and address of the manufacturer, registrant, or person for whom manufactured;

(ii) the name, brand, or trade-mark under which said article is sold;

and

(iii) the net weight or measure of the content; subject, however, to such reasonable variations as the commissioner may permit;

NOW, NOTICE IS HEREBY GIVEN THAT:

4. On or before June 4, 2013, in Victory, Cayuga County, New York, Respondent violated the statute(s) and/or rule cited above, in that Respondent failed to label alternate pesticide containers.

5. Section 33-1205(1) of the ECL states that: All commercial applicators shall maintain pesticide use records for each pesticide application containing the following:

- a. EPA registration number;
- b. product name;
- c. quantity of each pesticide used;

- d. date applied;
- e. location of application by address (including five-digit zip code).

Such records shall be maintained for a period of not less than three years. All commercial applicators shall file, at least annually, a report or reports containing such information with the department on computer diskette or in printed form on or before February first for the prior calendar year. All commercial applicators shall also maintain corresponding records of the dosage rates, methods of application and target organisms for each pesticide application. These records shall be maintained on an annual basis and retained for a period of not less than three years and shall be available for inspection upon request by the department.

NOW, NOTICE IS HEREBY GIVEN THAT:

6. On or before June 4, 2013, in Victory, Cayuga County, New York, Respondent violated the statute(s) and/or rule cited above, in that Respondent failed to maintain true and accurate records of pesticide applications. Specifically the Respondent's employee Scott Lee, a certified commercial pesticide applicator, failed to maintain documentation of the address, method of application, and target organism as required for commercial pesticide applicators. Furthermore, the Respondent's employee failed to accurately report commercial pesticide applications made in 2012. The Respondent's employee reported no pesticide applications made for 2012. All pesticide applications made on Bland Farms NY Inc. in 2012 under the supervision of Scott Lee are required to be reported as a commercial pesticide applications.

7. 6NYCRR Part 325, Section 325.2 states: (b) Pesticides are to be used only in accordance with label and labeling directions or as modified or expanded and approved by the department.

40 CFR 170.230 (a) Before any handler performs any handling task, the handler employer shall assure that the handler has been trained in accordance with this section during the last 5 years, counting from the end of the month in which the training was completed.

NOW, NOTICE IS HEREBY GIVEN THAT:

8. On or before June 4, 2013, in Victory, Cayuga County, New York, Respondent violated the statute(s) and/or rule cited above, in that the Respondent's employees failed to wear personal protective equipment as required by the pesticide label. Furthermore the Respondent failed to train employees as handlers as required by the Worker Protection Standard and the pesticide label requirements to use in accordance of the requirements of the Worker Protection Standard.

9. Pursuant 6NYCRR Part 325, Section 325.10 states: a) Each individual engaged in the commercial application of pesticides who is not a certified applicator or technician is considered a pesticide apprentice. An apprentice must be at least 16 years of age. An apprentice is required to receive 40 hours of pesticide use experience under the supervision of a certified applicator and receive a minimum of 8 hours of instruction on the requirements in section 325.18 of this Part, before such apprentice can apply general use pesticides under the off-site direct supervision of a certified applicator. It is the responsibility of the certified pesticide applicator or registered business to determine and so state that an apprentice is competent to perform applications.

NOW, NOTICE IS HEREBY GIVEN THAT:

10. On or before June 4, 2013, in Victory, Cayuga County, New York, Respondent violated the statute(s) and/or rule cited above, in that Respondent failed to train commercial pesticide apprentices.

11. Section 71-2907(1) of the ECL provides that any person who violates any provision of ECL Article 33 or any rule, regulation or order issued thereunder, or commits any offense described in ECL Section 33-1301 shall be liable for a civil penalty not to exceed \$5,000 for a first violation, and not to exceed \$10,000 for a subsequent offense, to be assessed by the Commissioner after a hearing or opportunity to be heard.

12. The Respondent affirmatively waives the right to a hearing on this matter as provided by law and consents to the issuing and entering of this Order and agrees to be bound by the provisions, terms and conditions contained herein.

NOW, having considered this matter and being duly advised,

IT IS ORDERED THAT:

I. Immediately upon the effective date of this Order, Respondent shall be obligated to pay a civil penalty of Five Thousand Five Hundred Dollars (\$5,500.00), payment of which shall be by certified check or money order, made payable to the "New York State Department of Environmental Conservation" at the office of Donald J. Nelson, Pesticide Control Specialist, NYS Dept. Of Environmental Conservation, Bureau of Pest Management, 1285 Fisher Avenue, Cortland, New York 13045 (607) 753-3095, Ext. 232.

The Respondent is also required to immediately resubmit an amended annual pesticide application report for Scott Lee's application year, 2012, as prescribed by Article 33, section 33-1205. This amended report will include all pesticide applications conducted on Bland Farms NY Inc. in 2012 under the supervision of Scott Lee and an explanation of why it is being resubmitted. Such report shall be submitted to Grace Farrell in the Pesticide Reporting section located at 625 Broadway, 9th floor Albany, NY 12233-7254.

II. Upon return of this Order, Respondent shall submit a signed and notarized Compliance Verification Affidavit (enclosed) to the Department at the office of Donald J. Nelson, Pesticide Control Specialist, NYS Dept. Of Environmental Conservation, Bureau of Pest Management, 1285 Fisher Avenue, Cortland, New York 13045 (607) 753-3095, Ext. 232., certifying that actions necessary to come into compliance with the Department's regulatory program, and those actions specified in this document, have been completed.

III. No change in this Order on Consent shall be made or become effective except as specifically set forth by a further written Order of the Department, being made either upon written application to the Department or upon written approval by the Commissioner or Regional Director of the Department.

IV. The provisions, terms and conditions of this Order shall bind the Respondent, the agents, servants, employees, successors and assigns of Respondent and all persons, firms and corporations acting under or for Respondent.

V. Nothing in this Order shall be construed as preventing the Department from

collecting regulatory fees where applicable.

VI. Nothing in this Order shall prevent the Department from requiring the Respondent to perform any actions deemed by the Department to be necessary to protect human health or the environment.

VII. Respondent shall indemnify and hold the Department, the State of New York, and their representatives and employees harmless for all claims resulting from the acts and/or omissions of Respondent resulting from the compliance or attempted compliance with the provisions of the Order.

DATED: September 5, 2013 Syracuse, New York

JOE MARTENS
COMMISSIONER
New York State Department of Environmental Conservation

By: 
KENNETH LYNCH
Regional Director, Region 7
New York State Department of Environmental Conservation

TO: Mr. David Faircloth
(Respondent)
Bland Farms NY Inc.
11388 Schuler Road
Cato, NY 13033

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order without further notice, waives its right to notice and hearing therein, and agrees to be bound by the provisions, terms and conditions contained herein.

DAVID FAIRCLOTH / MANAGER / BLAND FARMS NY ~~INC~~ LLC

BY David Faircloth

TITLE General Manager

DATE 08/30/2013

CORPORATE ACKNOWLEDGMENT

STATE OF NEW YORK)

: ss.:

COUNTY OF Cayuga)

On the 30th day of August in the year 2013, before me, the undersigned, personally appeared David Faircloth

(Full name)

personally known to me who, being duly sworn, did depose and say that he/she/they reside at

11388 Shuler Rd Cato NY 13033

(Full mailing address)

and that he/she/they is (are) the

General Manager

(President or other officer or director or attorney in fact duly appointed)

of Bland Farms New York LLC

(Name of Business Entity)

Barbara P. Dawson O'Connell
Notary Public State of NY
Cayuga Co. ID# 4985310
Commission Expires 08/12/2017

NOTARY PUBLIC

COMPLIANCE VERIFICATION AFFIDAVIT

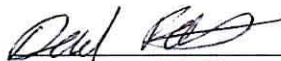
STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of

DAVID FAIRCLOTH / MANAGER / BLAND FARMS NY INC

Respondent

David Faircloth, being duly sworn, did depose and say that I the manager of Bland Farms NY Inc., and Bland Farms NY Inc. has corrected violations noted in paragraph four (4), six (6), eight (8), and ten (10), and have complied with the requirements of paragraphs three (3), five (5), seven (7), nine (9), and numeral I, and II of the Order On Consent .



Signature of Officer or Representative

farm manager

Title of Officer or Representative

Subscribed and sworn to before me

on this 7th day of August, 2013


Notary Public

DEBRA A. DAVIS
Notary Public, State of New York
Oswego County #4966117
My Commission Expires 4-30-2014

List here any attachments being provided with this document: